

CCRB CASE CLOSING FORM

Investigator assigned: Amira Jackmon		Team: 2	CCRB#: 9600687	FADO: F
Date of incident: 02/11/96	Time of incident: 1045 Hours	Location of incident: § 87(2)(b) [REDACTED], § 87(2)(b) [REDACTED]	Pct. of occurrence: 088	Date SOL expires: 08/11/96
Date reported: 02/14/96	Time reported: 02/13/96	To whom/where/how reported: By phone to the CCRB by the victim's mother.		
Complainant: § 87(2)(b)	Home address: § 87(2)(b) [REDACTED]			
Victim(s): § 87(2)(b)	Home address: § 87(2)(b) [REDACTED]			
Witness(es): § 87(2)(b)	Home address: § 87(2)(b) [REDACTED]			
Subject officer(s) (include rank): PO Ischaler Grant	Shield: 20485	Tax: 897595	Command: Street Crime Unit	✓
Witness officer(s) (include rank): DET Christopher McGovern	Shield: 04362	Tax: 893358	Command: 073 RAM	✓
Allegation(s) by letter: A: DET McGovern abused his authority when he entered the complainant's home. B: PO Grant abused his authority when he entered the complainant's home. C: PO Grant used excessive force when he pulled § 87(2)(b).			Recommendation(s): § 87(2)(g) [REDACTED] § 87(2)(g) [REDACTED] § 87(2)(g) [REDACTED]	

Summary

On 02/11/96, at approximately 1045 hours, DET Christopher McGovern, accompanied by PO Ischaler Grant, went to the home of CCRB complainant § 87(2)(b). § 87(2)(b)'s son, § 87(2)(b), was identified as a suspect in a robbery under investigation by DET McGovern.

Present in the apartment when the officers arrived were: § 87(2)(b)'s mother, § 87(2)(b); and § 87(2)(b) friend, § 87(2)(b). § 87(2)(b) answered the door. When he observed the officers, § 87(2)(b) attempted to leave the door and yelled for his mother. PO Grant grabbed and pulled § 87(2)(b)'s arm. When § 87(2)(b) entered the living room, DET McGovern explained to her that he wanted § 87(2)(b) to come to the precinct for a line-up. § 87(2)(b) asked to see a warrant. The officers did not have a warrant. § 87(2)(b) told the officers that they could not take § 87(2)(b) without a warrant.

§ 87(2)(b) stated that she would consult with her lawyer before making arrangements to bring § 87(2)(b) to the precinct. The officers left the location.

On 02/12/96, § 87(2)(b) accompanied § 87(2)(b) to the 073 Precinct. § 87(2)(b) was placed under arrest by DET McGovern. Later, in a line-up, § 87(2)(b) was identified as the perpetrator in the robbery.

§ 87(2)(b) was later indicted for these charges and is currently incarcerated at the § 87(2)(b)

Analysis

§ 87(2)(g)

Courts have uniformly held that this type of deception is permissible under certain circumstances (New York Search and Seizure, Kamins, 1997.)

§ 87(2)(g)

§ 87(2)(b) alleges that he first opened the door for the officers but then attempted to shut it while he went to summons his mother. Before he could do so, one of the officers placed his foot in the door, both officers entered the apartment, and PO Grant grabbed him. § 87(2)(g)

§ 87(2)(b) According to § 87(2)(b) when she came from the back room, the officers were already in her living room.

§ 87(2)(g)

DET McGovern alleges that § 87(2)(b) walked through the door in their direction before PO Grant grabbed him. § 87(2)(b) then freed himself from PO Grant's grasp and ran back into the apartment to summons his mother. The officers waited outside of the apartment for the complainant's permission to enter.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to PO Grant, the officers did not waited for consent to enter the apartment. Instead, he testified that he reached just inside of the doorway and grabbed § 87(2)(b) to prevent his escape. § 87(2)(g)

(There are two other exceptions to the general rule that an officer may not enter a suspect's home without a warrant to place him under arrest: consent and hot pursuit [Kamins, 1997.] § 87(2)(g)

) One factor used by the courts to establish the existence of exigent circumstances is the possibility that the suspect might escape. § 87(2)(g) there was a three week period of time which elapsed from the day § 87(2)(b) was identified as a suspect, 01/23/96, until the day officers went to his home, 02/11/96, § 87(2)(g)

§ 87(2)(g) PO Grant purports to have gone to the location under the assumption that DET McGovern did, in fact, possess an arrest warrant.
§ 87(2)(g)

§ 87(2)(g)

Investigator: Ann Parker

Date: 8/11/97

Supervisor: Det.

Date: 8/11/97

Reviewed by: _____

Date: _____

Reviewed by: _____

Date: _____